

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS 2011 JAN 10 PM 2: 52
AMARILLO DIVISION

DEPUTY CLERK *ds*

KARL LYNN SHACKELFORD,

Petitioner,

v.

RICK THALER, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

§
§
§
§
§
§
§
§
§
§
§

2:10-CV-0251

**ORDER ADOPTING REPORT AND RECOMMENDATION and
SUPPLEMENTAL REPORT AND RECOMMENDATION,
DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS and
IMPOSING SANCTIONS AGAINST PETITIONER**

On October 20, 2010, petitioner filed with this Court an untitled, handwritten pleading referencing habeas corpus and various civil rights actions, as well as injunctive and monetary relief. Petitioner's pleading was construed as a petition for a writ of habeas corpus challenging a disciplinary proceeding. On November 23, 2010, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that petitioner's habeas application be dismissed for want of prosecution for failing to comply with direct orders of the Court instructing petitioner to file an amended habeas corpus petition form (supplied to petitioner), and to submit a certified *in forma pauperis* data sheet from his institution or pay the filing fee in this cause. On December 9, 2010, petitioner filed virtually unintelligible objections to the Report and Recommendation, together with an improperly completed amended habeas corpus petition and a data sheet. On December 13, 2010, the Magistrate Judge entered a Supplemental Report and Recommendation in this case, recommending therein that petitioner's

habeas application be dismissed because (i) petitioner does not qualify for ifp status and has not paid the required filing fee, and (ii) petitioner has not alleged any facts in his pleadings which warrant habeas corpus relief. The Magistrate Judge also recommends petitioner be imposed with a monetary sanction of \$100.00 and that he be barred from filing any more litigation, either pursuant to civil rights or habeas corpus statutes, until he pays the monetary sanction. As of this date, petitioner has not filed any objections to the December 13, 2010 Supplemental Report and Recommendation.

The undersigned United States District Judge has made an independent examination of the record in this case. The Magistrate Judge's Report and Recommendation and Supplemental Report and Recommendation are hereby ADOPTED. Accordingly, the petition for a writ of habeas corpus filed by petitioner is DISMISSED. Petitioner is SANCTIONED with a fine of \$100.00 and is barred from filing any more litigation, either pursuant to civil rights or habeas corpus statutes, until he pays the monetary sanction.

IT IS SO ORDERED.

ENTERED this 10th day of January 2011.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE